

Ahead of Election Day, Attorney General Jennings reminds voters of rights and responsibilities

Delaware DOJ outlines coordination on Election Protection

With Delaware's general election one week away, Attorney General Kathy Jennings is reminding the public that the Delaware Department of Justice, state and local law enforcement, and the Department of Elections will strictly enforce Delaware's voter intimidation laws in order to ensure that Delawareans are able to vote safely, fairly, and peacefully.

"Let me be crystal clear: Delawareans should feel safe exercising their voting rights now and on Election Day," said **Attorney General Jennings**. "The Department of Justice is the people's law firm, and we will not tolerate voter intimidation, election tampering, or interference with anyone's rights. For months, we've devoted our resources and the full authority of this office to ensuring that Delawareans are able to vote fairly, peacefully, and safely. That will continue beyond 8pm next Tuesday if prosecutions are necessary."

Voters who are concerned about a perceived threat to their safety should call 911; voters who are concerned about any other problem can contact the Department of Elections' voter hotline at (302) 739-4277.

The DOJ's Division of Civil Rights and Public Trust (DCRPT) has provided law enforcement with written guidance listing possible Title 11 and Title 15 offenses that could be encountered on Election Day. DOJ inspectors in all three

counties will staff a hotline for law enforcement to contact in the event of illegal activity, including:

- Voter intimidation, whether armed or unarmed:
 - Menacing (placing someone in fear of imminent physical injury)
 - Reckless Endangering 2nd (risk of injury) and Reckless Endangering 1st (risk of death)
 - Improper Influence (threatening harm to a public servant, party officer, or any other person to influence their decision)
 - Harassment and/or Terroristic Threatening (threatening to commit any crime likely to result in death or serious injury, or making a false statement that could cause evacuation of a building/facility or cause serious inconvenience)
 - Criminal Nuisance (endangering the health or safety of others)
 - Loitering and Obstructing Public Passage or Access
 - Breach of Peace or Threat of Violence with intent to impede lawful election proceedings
 - Entering a voting room for a reason other than voting, including to disrupt the election, or attempting to take charge of a voting room
 - Impersonating law enforcement
 - Persons other than duly-appointed election officers questioning voters about their credentials
 - Impeding or delaying voters by asking for identification, videotaping, photographing, or otherwise making visual records of voters or their vehicles
 - Crimes committed while armed on school property may be aggravated to higher-level offenses
- Fraudulent voting:
 - Impersonating another voter
 - Knowingly voting more than once. (Please note that

this includes voting in person after voting by mail – voters can check the status of a mailed ballot at ivote.de.gov)

- Voting out of district
- Interfering with election officers in the discharge of their duties
- Stealing, breaking, concealing, or removing a ballot box
- Defacing, altering, destroying or concealing any submitted ballot
- Bribery, persuasion, or intimidation of voters by an election officer
- Illegal electioneering:
 - Advocating for candidates or partisan topics/issues; displaying or distributing materials referring to candidates or partisan topics/issues on the ballot; or projecting sound referring to said candidates from loudspeakers or otherwise into the polling place or the area within 50 feet of the entrance to the building in which the voting room is located.

The DOJ also reminds the public of its voting rights and First Amendment rights, including:

- If you are registered to vote, you are entitled to vote.
- You can't be coerced, threatened, hindered or intimidated by any person or corporation when voting.
- You can vote if you are in line when polls close at 8 p.m. on November 3.
- If you make a mistake on your ballot, you can ask a poll worker for a new one.
- If voting machines are down at your polling place, you can ask for a paper ballot.
- If your name isn't in the poll book, you can still vote with a provisional ballot. You'll be notified in writing when you vote as to how you can find out whether your

vote was counted, and if not, why not.

- If you are blind or physically disabled, you can bring up to two people to help you vote.
- If you moved or changed your name without telling the Department of Elections, you can vote at the polling place of your address on Election Day by correcting your address on Election Day before you vote.
- If you need help in the voting booth, two elections officers from different parties have to help at the same time. They cannot influence your decision, and they must leave the voting booth before you cast your vote.
- Electioneering laws specifically pertain to advocacy for candidates, partisan topics, and “issues on the ballot”; voters are free to enter voting rooms while wearing t-shirts or slogans relating to non-partisan issues (e.g., “Black Lives Matter” or “Blue Lives Matter”).
- All polling places should be physically accessible. Voters with disabilities, including voters who are blind, are entitled to at least one accessible voting machine at the polling place under the Help America Vote Act.
- Voter who are blind, sick, and temporarily or physically disabled can request electronic delivery of an accessible absentee ballot [via Democracy Live](#).
- Campaign staff and volunteers are allowed to contact voters in person or by phone, irrespective of “No Soliciting” signs, but are also prohibited from doing so within 50 feet of the entrance to a polling location.

The DOJ is one of several State agencies – including the Department of Elections, the Department of Safety and Homeland Security, the Delaware State Police, the Delaware Information & Analysis Center, the National Guard, and the Delaware Emergency Management Agency, among others – that is coordinating a robust election protection strategy.

Finally, the DOJ reminds voters to exercise patience, both on

Election Day toward poll workers and other voters, and with potential delays in the subsequent days as the results of national elections are tallied across the country.

A previous version of this release incorrectly cited a federal consent decree that identified the distribution of literature outlining the fact that voter fraud is a crime as potential Election Day voter intimidation. That consent decree has lapsed.